



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/35/366/Add.2 + 3  
1 October 1980  
ENGLISH  
ORIGINAL: ENGLISH/RUSSIAN

Thirty-fifth session  
Agenda item 29

DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT,  
USE, FINANCING AND TRAINING OF MERCENARIES

Report of the Secretary-General

Addendum

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VIEWS AND COMMENTS OF GOVERNMENTS

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

/Original: Russian/

/20 August 1980/

1. The delegations of the Byelorussian SSR at the sessions of the General Assembly and at other international conferences, during the consideration of questions relating to the struggle for the total elimination of all vestiges of the system of colonial oppression, of the violation of the equality and independence of peoples, and of all hotbeds of colonialism and racism, have repeatedly condemned the hostile activities, including military activities, of the imperialists, colonialists and racists directed against national liberation movements and young, newly independent States. Together with the other progressive countries of the world, the Byelorussian SSR has demanded the immediate cessation of the use of military force and of any other hostile activities against patriots struggling for the freedom and independence of their peoples.
2. Recently the struggle of peoples for independence and radical social change, guided by the national liberation movements, has made significant advances. The last strongholds of colonialism, racism and apartheid are being eliminated and the process of establishing and strengthening newly created States is moving steadily forward. However, various reactionary forces are attempting to impede the positive changes in the international situation. Imperialism, supported by the Peking hegemonists, is attempting to retard the progressive development of international relations and to check the development of the national liberation movements. In this connexion they are devoting special attention to areas and countries of major strategic, economic and political significance, and in order to achieve their goals, they are making use of an enormous arsenal of the most diverse means, including mercenaries.
3. The use of mercenaries is a manifestation of neo-colonialism and is contrary to modern international law. Consequently the Byelorussian SSR has actively supported all anti-colonialist resolutions of the General Assembly, including those condemning the use and activities of mercenaries in Africa and other parts of the world as actions extremely dangerous to international peace and security.
4. The Byelorussian SSR, steadfastly pursuing a Leninist foreign policy, continues to call for the strengthening of the peace and security of peoples, for broad international co-operation in support of the struggle of peoples for national liberation and social progress, for the prevention of aggressive wars, for the achievement of general and complete disarmament and for the consistent implementation of the principle of peaceful coexistence among States with different social systems. Guided by these goals, the Byelorussian SSR, as a matter of principle, rejects and condemns any training or use of mercenaries against those fighting for the national and social liberation of peoples from oppression by the imperialists, colonialists and racists or against those fighting for the sovereignty, independence and territorial integrity of States.

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5. With regard to the question of the need to prepare without delay an international convention aimed at prohibiting the recruitment, use, financing and training of mercenaries, the Byelorussian SSR supports the preparation of such a document of international law aimed at protecting national liberation movements and young independent States from the encroachments of imperialism, colonialism and racism including such encroachments through the use of mercenaries.

6. That instrument of international law should, in particular, condemn the use of mercenaries as a manifestation of imperialist and neo-colonialist policies and a serious threat to peace and international security and treat it as a grave international crime and should declare the large-scale use of mercenaries to be an act of aggression. Persons guilty of organizing mercenary forces or of acting as mercenaries should be subject to criminal prosecution and severe punishment.

7. The future convention should, in the view of the Byelorussian SSR, also establish the responsibility of States for propaganda in favour of the use of mercenaries and for failure to take effective measures against the financing, recruitment, training, assembly, transit and use of mercenaries, including the hiring of their own nationals as mercenaries.

#### ITALY

/Original: English/

/28 August 1980/

1. The decision to include in the agenda of the thirty-fifth session of the General Assembly the task of elaborating a draft international convention aimed at prohibiting the recruitment, use, financing and training of mercenaries cannot but receive the full support of the Italian Government, as it deals, in principle, with a practice considered inadmissible in the view of a country like Italy, which repudiates all, but especially illegal, war-related activity as an instrument of threat to the freedom of other peoples and as a means of settling international disputes (see art. 11 of the Italian Constitution).

2. However, the Italian Government would find it inappropriate at this time to qualify recourse to mercenaries as a crime against humanity in the same category as piracy or genocide (second preambular paragraph of General Assembly resolution 34/140), as the implicit intent of the proponents in formulating such a statement appears to be that of extending to mercenarism - by means of the convention - the system of repression already in force for piracy and genocide.

3. In fact, an effective deterrent against mercenarism already exists in article 47 of Protocol I (1977) to the Geneva Conventions of 12 August 1949 (A/32/144, annex I) on humanitarian law related to armed conflicts, wherein it is declared that the mercenary is not considered a combatant or prisoner of war and is therefore not entitled to the relevant rights specified in those conventions.

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4. Moreover, the field of application, ratione materiae, of the proposed draft convention appears rather confusedly described and variously defined in the resolution, where reference is made from time to time to an international convention "against the activities of mercenaries", "to prohibit the recruitment, training, assembly, transit and use of mercenaries", "to outlaw mercenarism in all its manifestations", and so forth.

5. In conclusion, it seems premature to enter into detail in a case where no draft convention has actually been presented and, for the time being, the need to make available an international instrument aimed at prohibiting "the recruitment, use, financing and training of mercenaries" (para. 4 of resolution 34/140) is still under consideration. In this regard, the Italian Government will make further observations and comments in the light of any related developments which may emerge from the thirty-fifth session of the General Assembly.